

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

ADELE VARGA, Individually and On Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY and  
JEFFREY ROBERT IMMELT,

Defendants.

Case No. 1:18-cv-1449 (GLS/DJS)

**DECLARATION OF ERIC  
KIERKEGAARD**

I, Eric N. Kierkegaard, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a Project Director in Client Services for Epiq Class Action & Claim Solutions, Inc. The following statements are based on my personal knowledge and information provided by other experienced Epiq employees working under my supervision. If called on to do so, I could and would be competent to testify thereto.

2. Epiq provides class action management services, including pre-settlement, notice administration, claims processing, and settlement fund distribution services. Epiq has substantial experience in class action administration of securities, ERISA, consumer, antitrust, employment, civil rights, insurance, banking, environmental, and other class action cases.

3. Epiq acquired Garden City Group, LLC (GCG), a company that provided claims management solutions and legal administration services for class action, bankruptcy, mass tort, regulatory matters, and legal notice programs, on June 15, 2018.<sup>1</sup>

4. GCG was responsible for notice and settlement administration in the *In re General Electric Company ERISA Litigation*, No. 06-cv-315-GLS/DRH (“GE ERISA”) matter, before the United States District Court of the Northern District of New York, pursuant to the terms of the Court’s February 5, 2009 Order Preliminarily Approving Settlement and the December 19, 2008 Class Action Settlement Agreement. At the time of the GE ERISA matter, I was the Project Manager at GCG with principal responsibility for the settlement.

5. On May 4, 2009, in connection with GCG’s settlement administration in the GE ERISA matter, GCG’s then-Vice President of Operations, Jennifer Keough, executed a declaration reporting on the implementation of various aspects of the notice administration program in GE ERISA settlement. A true and correct copy of that declaration is attached hereto as Exhibit A. As the Project Manager for the GE ERISA settlement, I can verify that all information contained in that declaration was true and accurate. For purposes of this declaration, I adopt and incorporate them by reference, including the definition of “Notice” provided in that declaration.

6. To provide class members with notice of the proposed settlement, GCG was provided with the name and address for 318,457 persons known to be eligible to participate in the settlement. Adele M. Varga was one of the individuals on that list.

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<sup>1</sup> All references to GCG shall indicate the Settlement Administrator both as Garden City Group, LLC and Epiq Class Action and Claims Solutions.

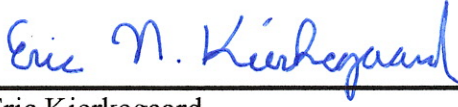
7. On February 27, 2009, GCG mailed a Notice to Adele M. Varga in Milwaukee, Wisconsin.<sup>2</sup>

8. The Notice mailed to Adele M. Varga by GCG was not returned as undeliverable.

9. Pursuant to the Notice, as the GE ERISA settlement was a “non-opt out” class action, GCG did not receive an exclusion request from Adele M. Varga. GCG also did not receive an objection form Adele M. Varga.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed the 8th day of April 2019 in Seattle, Washington

  
Eric Kierkegaard

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<sup>2</sup> I have been informed by counsel for the Defendants that under this Court’s Local Rules, only the city and state associated with Ms. Varga’s home address should be included in this declaration. Upon the Court’s request, I will provide a declaration under seal with the full address.

# **Exhibit A**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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IN RE GENERAL ELECTRIC COMPANY  
ERISA LITIGATION

No. 06-CV-315  
(GLS/DRH)  
(Lead Case)

DECLARATION OF JENNIFER M.  
KEOUGH REGARDING NOTIFICATION

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**DECLARATION OF JENNIFER M. KEOUGH REGARDING NOTIFICATION**

JENNIFER M. KEOUGH declares:

1. I am Executive Vice President, Operations of The Garden City Group, Inc. (“GCG”). The following statements are based on my personal knowledge and information provided by other GCG employees working under my supervision, and if called on to do so, I could and would testify competently thereto.
2. GCG was engaged by the Settling Parties in the above captioned litigation (the “Action”) to serve as the Administrator as described in the Class Action Settlement Agreement, re-executed December 19, 2008 (the “Settlement Agreement”), and approved in the Order Preliminarily Approving Settlement, dated February 5, 2009 (the “Preliminary Approval Order” or “Order”). In accordance with Paragraphs 11 and 12 of the Order, I submit this Declaration in order to provide the parties to the Action with the details of the mailing of the Court-approved Class Notice (the “Notice”), information regarding the Settlement website, and the telephone assistance program.

**INITIAL DISSEMINATION OF THE NOTICE BY MAIL**

3. GCG was provided with the name and address for 318,457 persons known to be eligible to participate in the Settlement (“Participants”). Using this list of Participants (the “Settlement

Class List”), GCG produced 318,457 Notices. Pursuant to Paragraph 2.4 of the Settlement Agreement, prior to mailing the Notice, mailing addresses were updated using the National Change of Address (“NCOA”) database. A total of 15,894 addresses were updated using the NCOA database. Pursuant to Paragraph 11 of the Order, on February 27, 2009, GCG mailed, by first class mail, postage prepaid, the Class Notice to the 318,457 Participants on the Settlement Class List. The Notice mailed to Participants is attached hereto as Exhibit A.

#### **REMAILED NOTICES**

4. Notices that were returned by the U.S. Postal Service with forwarding address information were promptly remailed to the address information received from the U.S. Postal Service. As of May 3, 2009, GCG has remailed 2,944 Notices to updated addresses received from the U.S. Postal Service.

#### **SETTLEMENT WEBSITE**

5. Pursuant to Paragraph 9.2 of the Settlement Agreement and with the approval of the Settling Parties, GCG set up and is maintaining a website dedicated to this Settlement located at the uniform resource locator <http://www.savingsandsecurityprogramsettlement.com>. Users of the website can download the Class Notice, as well as the Settlement Agreement and the Preliminary Approval Order. The website became operational on February 27, 2009 and is accessible 24 hours a day, 7 days a week. As of May 3, 2009, the website had received 3,474 visits.

#### **TELEPHONE ASSISTANCE PROGRAM**

6. GCG established and is maintaining a toll-free telephone Interactive Voice Response (“IVR”) system dedicated to this Settlement to accommodate telephone inquiries from Participants and to respond to frequently asked questions. The system was operational on February 26, 2009, and is accessible 24 hours a day, 7 days a week. As of May 3, 2009, GCG had received 2,255 calls to

the IVR. Of those, a total of 361 individuals requested a return call. GCG promptly returned each call.

I certify under the penalty of perjury that the foregoing is true and correct.

Executed this 4<sup>th</sup> day of May, 2009 at Seattle, Washington.

A handwritten signature in blue ink, appearing to read "Jennifer M. Keough", written in a cursive style.

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JENNIFER M. KEOUGH